



10-27-03

3761

Express Mail No. EV335857313US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Charles F. Schroer, Jr.; Glenn E. Glasscock; Charles A. Hart; John L. Moody; Meredith G. Tharp; and Jason B. Woodard

Confirmation No.:

Serial No.: 10/612,601

Art Unit: 3761

Filed: July 1, 2003

Examiner: Not Yet Assigned

For: DIAPER DESIGN HAVING ZONES OF REDUCED STIFFNESS AND CONTINUOUS BREATHABILITY

Attorney Docket No.: 009128-0023-999

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☐ Each U.S. patent application publication and U.S. and foreign patent;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

*(Check either Item 3a or 3b)*

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
  - ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

*(Item 3b to be checked if any reference known for more than 3 months)*

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

*(Check either Item 5a or 5b)*

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

*(Check appropriate Items 6a, 6b and/or 6c)*

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.

7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)

- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .

8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

*( Check Item 8a, 8b, or 8c)*

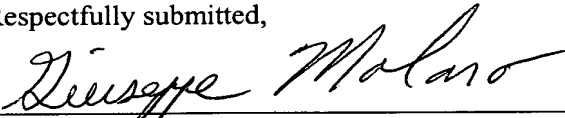
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.

9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

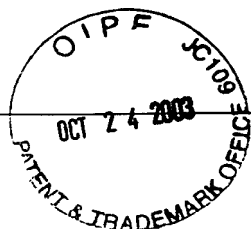
Respectfully submitted,

Date: October 24, 2003

  
By: Giuseppe Molaro 52,039  
(Reg. No.)

For: Leo Merken 41,192  
(Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090



# LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)

ATTY DOCKET NO.

009128-023-999

APPLICATION NO

10/612,601

APPLICANT

Charles F. Schroer, Jr.; Glenn E. Glasscock;  
Charles A. Hart; John L. Moody; Meredith G. Tharp;  
and Jason B. Woodard

FILING DATE

July 1, 2003

GROUP

3761

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	4,050,462	9/27/77	Woon et al.	128	287	3/29/76
	A02	4,573,986	3/4/86	Minetola et al.	604	366	9/17/84
	A03	4,636,207	1/13/87	Buell	604	370	8/11/83
	A04	4,662,875	5/5/87	Hirotsu et al.	604	389	11/27/85
	A05	4,695,278	9/22/87	Lawson	604	385	10/11/85
	A06	4,701,170	10/20/87	Wilson et al.	604	385	9/6/85
	A07	4,704,116	11/3/87	Enloe	604	385	10/11/85
	A08	4,710,187	12/1/87	Boland et al.	604	385	9/6/85
	A09	4,795,454	1/3/89	Dragoo	604	385	10/30/87
	A10	4,798,603	1/17/89	Meyer et al.	604	378	10/16/87
	A11	4,808,178	2/28/89	Aziz et al.	604	385	1/10/85
	A12	4,846,815	7/11/89	Scripps	604	391	12/18/87
	A13	4,846,825	7/11/89	Enloe et al.	604	385	10/30/87
	A14	4,883,480	11/28/89	Huffman et al.	604	385	1/17/89
	A15	4,900,317	2/13/90	Buell	604	370	7/20/88
	A16	4,909,803	3/20/90	Aziz et al.	604	385	2/24/89
	A17	4,938,753	7/3/90	Van Gompel et al.	604	385	6/27/89
	A18	4,938,754	7/3/90	Mesek	604	385	5/10/89
	A19	4,938,757	7/3/90	Van Gompel et al.	604	396	6/27/89
	A20	4,940,464	7/10/90	Van Gompel et al.	604	396	7/11/89
	A21	4,963,140	10/16/90	Robertson et al.	604	389	12/17/87
	A22	5,019,065	5/28/91	Scripps	604	385	2/12/90
	A23	5,085,654	2/4/92	Buell	604	370	4/22/91
	A24	5,156,793	10/20/92	Buell et al.	264	288	2/28/91
	A25	5,167,897	12/1/92	Weber et al.	264	288	2/28/91
	A26	5,263,948	11/23/93	Karami et al.	604	383	11/23/93
	A27	5,286,543	2/15/94	Ungpiyakul et al.	428	74	5/6/93
	A28	5,292,316	3/8/94	Suzuki	604	385	10/14/92
	A29	5,318,555	6/7/94	Siebers et al.	604	390	6/26/92
	A30	5,364,382	11/15/94	Latimer et al.	604	378	1/17/92
	A31	5,415,644	5/16/95	Enloe	604	385	2/13/89
	A32	5,429,629	7/4/95	Latimer et al.	604	378	10/5/93
	A33	5,496,298	3/5/96	Kuepper et al.	604	389	12/28/93
	A34	5,509,915	4/23/96	Hanson et al.	604	378	7/22/93
	A35	5,562,650	10/8/96	Everett et al.	604	378	3/4/94



A36	5,599,338	2/4/97	Enloe	604	385	5/9/95
A37	5,643,239	7/1/97	Bodford et al.	604	370	11/3/95
A38	5,643,243	7/1/97	Klemp	604	385	8/25/95
A39	5,643,588	7/1/97	Roe et al.	424	402	11/28/94
A40	5,674,216	10/7/97	Buell et al.	604	385	6/6/95
A41	5,827,259	10/27/98	Laux et al.	604	385	12/18/95
A42	5,843,056	12/1/98	Good et al.	604	367	6/21/96
A43	5,879,341	3/9/99	Odorzynski et al.	604	367	3/29/96
A44	5,928,209	7/27/99	Bodford et al.	607	370	9/24/97
A45	5,947,946	9/7/99	Fisher et al.	604	385	6/4/97
A46	5,968,025	10/19/99	Roe et al.	604	364	6/27/97
A47	5,993,433	11/30/99	St. Louis et al.	604	385	10/20/97
A48	6,068,620	5/30/2000	Chmielewski	604	378	3/30/98
A49	6,102,892	8/15/2000	Putzer et al.	604	101	7/2/97
A50	6,107,537	8/22/2000	Elder et al.	604	364	9/10/97
A51	6,118,041	9/12/2000	Roe et al.	604	360	6/27/97
A52	6,153,209	11/28/2000	Vega et al.	424	404	9/28/99
A53	6,297,424	10/2/2001	Olson et al.	604	361	6/15/99
A54	6,494,872	12/17/2002	Suzuki et al.	604	385	1/3/96
A55	Re 34,920	4/25/95	Aziz et al.	604	385	10/23/91
A56	D437,933	2/20/2001	Fletcher et al.	D24	126	12/28/99
A57						

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01							
	B02							
	B03							
	B04							
	B05							

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	
	C02	
	C03	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.